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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their capacities  
as Trustees of the LABORERS HEALTH AND  
WELFARE TRUST FUND  
FOR NORTHERN CALIFORNIA;  
LABORERS VACATION-HOLIDAY TRUST  
FUND FOR NORTHERN CALIFORNIA;  
LABORERS PENSION TRUST FUND FOR  
NORTHERN CALIFORNIA; and LABORERS  
TRAINING AND RETRAINING TRUST  
FUND FOR NORTHERN CALIFORNIA,

Plaintiffs,

v.

ZAYAS, INC.,

Defendant.

No. 4:13-cv-02137-DMR

**EX PARTE APPLICATION TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE; [~~PROPOSED~~] ORDER**

**TO: THE CLERK OF THE COURT AND DEFENDANT ZAYAS, INC.:**

Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial Case Management Conference, currently scheduled for November 6, 2013 at 1:30 p.m., be continued for sixty days to allow the Parties to fully resolve this matter, or, alternatively, to allow Plaintiffs to prepare and file a motion for default judgment.

Defendant failed to appear or otherwise respond to the Complaint that was served on them. The Complaint was served on Defendant on or around May 28, 2013, for which a proof of service was filed before this Court with the Summons on June 10, 2013. Default was entered on July 2, 2013.

However, Defendant has made partial payments of the amounts owed, and is in contact with Plaintiffs. Plaintiffs are optimistic that, with additional time, the Parties may be able to fully resolve this matter without the need for further proceedings. If the matter cannot be resolved, however, Plaintiffs will prepare and file a motion for default judgment.

Given these facts, Plaintiffs request that the Case Management Conference be continued for sixty days in order to allow the Parties to attempt to resolve this matter, or to allow Plaintiffs to prepare and file a motion for Default Judgment.

The above stated facts are set forth in the accompanying Declaration of Daniel S. Brome in Support of Ex Parte Application to Continue Case Management Conference, filed herewith.

Dated: November 1, 2013

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

By: /s/ Daniel S. Brome  
DANIEL S. BROME  
Attorneys for Plaintiffs

**ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

Based upon the foregoing Ex Parte Application for Continuance of Case Management Order and Declaration of Daniel S. Brome in Support of Ex Parte Application to Continue Case Management Conference, the Court orders a continuance of the Case Management Conference ~~for 60 days, or as soon thereafter as a court date is available. In addition, the Court orders:~~ to January 8, 2014, at 1:30 p.m.

Dated: November 4, 2013

  
HONORABLE DONNA M. RYU  
United States Magistrate Judge

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